

IN THE JUSTICE OF THE PEACE COURT
OF THE STATE OF DELAWARE

ORDER AMENDING JUSTICE OF THE PEACE COURT
RULE 108

ORDER

This 11th day of July, 2011, it appears to the Court that it is desirable to amend Justice of the Peace Court Rule 108 (a) (2)&(3); (b) (1)&(2); and (c) (1)&(2) to amend the education requirements of the Judges of this Court.

NOW, THEREFORE, IT IS ORDERED THAT, the following amendment shall be effective July 11, 2011:

Amend Justice of the Peace Court Rule 108(a)(2) by deleting the subsection in its entirety and replacing it with the following:

(2) For purposes of paragraph (a)(1), "approved legal education" means courses offered through the Justice of the Peace Court legal education program, courses accredited by the Delaware Commission on Continuing Legal Education, or other courses or programs which are approved for continuing legal education credit by the Chief Magistrate.

Amend Justice of the Peace Court Rule 108(a) by adding subsection number (3) as follows:

(3) If a Justice of the Peace completes more than 30 credit hours of instruction in a two-year period, the excess credit up to 15 credits may be carried forward and applied to the education requirements for the succeeding two-year period only; however, no credits to be applied to the judicial or legal ethics requirement may be carried forward.

Amend Justice of the peace Court Rule 108(b)(1) by deleting the subsection in its entirety and replacing it with the following:

(b) *Basic legal education requirement.* (1) Each Justice of the Peace originally commissioned after 1993 shall successfully complete a basic legal education program as approved by the Chief Magistrate within a time prescribed by the Chief Magistrate. The Chair of the Basic Legal Education Committee of the Justice of the Peace Court shall certify the successful completion of the basic legal education program by a newly appointed judge. The Chief Magistrate may require a Justice of the Peace to attend further portions of the basic legal education program as necessary to ensure competence in office.

Amend Justice of the peace Court Rule 108(b)(2) by adding the following at the end of the paragraph, "However, Justices of the Peace who have already successfully completed basic legal education, but who attend subsequent basic legal education courses with approval of the Chief Magistrate shall be eligible for credit toward continuing legal

education credits. Justices of the Peace engaged in teaching basic legal education courses or other courses approved by the Chief Magistrate may obtain continuing legal education credit for actual hours taught.”

Amend Justice of the Peace Court Rule 108(c)(1) by the subsection in its entirety and replacing it with the following:

(c) *Exception.* (1) The requirements of paragraphs (a)(1) and (b)(1) shall be subject to the availability of approved continuing legal education and basic legal education credits offered through the Justice of the Peace Court education program as well as continuing legal education credits offered through courses accredited by the Delaware Commission on Continuing Legal Education or other courses or programs approved for credit by the Chief Magistrate. The Chief Magistrate may waive the requirements of paragraphs (a)(1) and (b)(1) in circumstances where the total number of credit hours required exceed the total number of credit hours offered by the Justice of the Peace Courts legal education program, other courses accredited by the Delaware Commission on Continuing Legal Education or courses or programs approved for credit by the Chief Magistrate. Cost of programs other than those offered through the Justice of the Peace Court continuing legal education program may be a factor considered by the Chief Magistrate in assessing availability of sufficient credits in any request for a waiver.

Amend Justice of the peace Court Rule 108(c)(2) by adding the following at the end of the paragraph, “Notwithstanding this exemption, Justices of the Peace who are members of the Delaware Bar may obtain credit through the Justice of the Peace Court’s continuing legal education program and are not exempt from mandatory training as required by the Chief Magistrate.”

FOR THE COURT:



Chief Magistrate